

1 Bill Robins III (State Bar No. 296101)
2 Robert T. Bryson (State Bar No. 156193)
3 Kevin M. Pollack (State Bar No. 272786)

ROBINS CLOUD LLP

4 808 Wilshire Blvd., Suite 450
5 Santa Monica, CA 90401
6 Telephone: (310) 929-4200
Facsimile: (310) 566-5900
robins@robinscloud.com
rbryson@robinscloud.com
kpollack@robinscloud.com

7 Attorneys for Individual Fire Victim Creditors and Tubbs Preference Plaintiffs

8 UNITED STATES BANKRUPTCY COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 In re

11 PG&E CORPORATION and
12 PACIFIC GAS AND ELECTRIC
COMPANY,

13 Debtors.

- 14 ☐ Affects PG&E Corporation
15 ☐ Affects Pacific Gas and Electric Company
16 ☒ Affects both Debtors
*All papers shall be filed in the Lead Case,
No. 19-30088 (DM)

) Bankruptcy Case No. 19-30088 (DM)
) Chapter 11
) (Lead Case)
) (Jointly Administered)

17 **JOINDER OF CERTAIN TUBBS**
18 **PREFERENCE PLAINTIFFS IN**
19 **SUPPORT OF RESPONSE TO**
20 **OBJECTIONS TO TERMS OF**
21 **TUBBS SETTLEMENT**
22 **DOCUMENTS [DKT. 5459 & 5472]**

23 **Re: Dkt. ## 5282, 5459, 5472, 5485, 5497,**
24 **5498, 5500, 5501 & 5502**

25 Date: January 29, 2020
26 Time: 10:00 a.m.
27 Place: United States Bankruptcy Court
28 Courtroom 17, 16th Floor
San Francisco, CA 94102

21 The firm of Robins Cloud LLP (the "Robins Firm") and their co-counsel represent
22 approximately 2,200 victims of the 2017 North Bay Fires, and the 2018 Camp Fire. The Robins Firm
23 represented the following preference plaintiffs in the Tubbs Cases, the settlement of which is the
24 subject of Debtors' motion to approve the settlement (Dkt. Nos. 5282 and 5284): John Caslin
25 individually and the John Caslin Trustee of the 1999 Caslin Revocable Trust U/D/T, and Phyllis Lowe
26 individually and in her capacity as Trustee of the Lowe Family Trust, Randy Lowe in his capacity as
27 Trustee of the Lowe Family Trust and the Lowe Family Trust, (the "Tubbs Preference Plaintiffs").
28

1 The Robins firm approved the terms of the Restructuring Support Agreement between the
2 Debtor and the Tort Claimants (the "RSA") that states in pertinent part at ¶ 2(h):

3 "upon entry of the RSA Approval Order, the Debtors shall (i) have entered into one or
4 more settlement agreements settling all of the Tubbs Cases (the "**Tubbs Settlements**"),
5 which shall (A) allow such claims subject to payment solely from the Fire Victims
6 Trust (as defined in the Term Sheet and provided in the Amended Plan), (B) be in form
7 and substance satisfactory to the parties thereto, (C) *be confidential and sealed*, and
8 (D) not be admissible or introduced into evidence for any purpose in any proceeding,
including without limitation the Estimation Matters or in any other case or proceeding
in or related to the Chapter 11 Cases; and (ii) have filed a motion with the Bankruptcy
Court seeking approval of the Tubbs Settlements on shortened notice. [Emphasis
added.]"

9 Along with counsel for more than 70% of the Fire Victims, as well as by a majority of the
10 members of the TCC the Robins Firm approved the terms of the initial draft of the PG&E Fire Victims
11 Trust Agreement,. The Trust states in pertinent part at Section 2.6:

12 "[T]he amount of any Fire Victim Claim that is approved, accepted, or disallowed in
13 whole or in part shall not be disclosed to any person or entity other than to the Trustee,
14 the Claims Administrator, Claims Processor, the Neutrals, the Fire Victim, the Fire
Victim's authorized agent, or to any court of competent jurisdiction, and, in the latter
case, only then in a document filed with the court under seal. [Emphasis added.]"

15 Article 1, Section 1 of the California Constitution guarantees an inalienable right to privacy.
16 The terms of the Tubbs settlement agreements have not been hidden from this Court, but have been
17 kept confidential not disclosed to the public or other claimants. Maintaining the confidentiality of the
18 settlement agreements in this manner is fulling in keeping with prior practice that has been approved
19 and followed by earlier courts in PG&E cases, and is in conformity with the provisions of the RSA
20 and the PG&E Fire Victims Trust Agreement.

21 In order to maintain the right to privacy of the Tubbs Preference Plaintiffs, the Robins Firm
22 and their co-counsel hereby join in the Responses (Doc. ## 5485, 5497, 5498, 5500) to the objections
23 (Doc. ## 5459 and 5472) to the terms of the Tubbs settlement agreements and respectfully request that
24 this Court overrule those objections.

25 DATED: January 25, 2020

Respectfully submitted,

26 **ROBINS CLOUD LLP**

27 By: 

28 Robert T. Bryson
Attorneys for Tubbs Preference Plaintiffs